

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

NATHANIEL M. OLIVER JR.,

Plaintiff,

v.

Case Number 07-15476-BC  
Honorable Thomas L. Ludington

COMMISSIONER OF SOCIAL SECURITY,

Defendants.

---

**ORDER ADOPTING MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION,  
DENYING PLAINTIFF’S MOTION FOR SUMMARY JUDGMENT, DENYING  
DEFENDANT’S MOTION FOR SUMMARY JUDGMENT, AND REMANDING  
MATTER FOR FURTHER PROCEEDINGS CONSISTENT WITH THE R&R**

Magistrate Michael Hluchaniuk issued a report and recommendation [Dkt. # 30] on March 2, 2010, recommending that Plaintiff Nathaniel M. Oliver Jr.’s motion for summary judgment [Dkt. # 24] be denied and that Defendant Commissioner of Social Security’s motion for summary judgment [Dkt. # 28] also be denied. He further recommended remanding this matter for further proceedings consistent with his report. Either party may serve and file written objections “[w]ithin fourteen days after being served with a copy” of the report and recommendations. 28 U.S.C. § 636(b)(1). The district court will make a “de novo determination of those portions of the report . . . to which objection is made.” *Id.* Where, as here, neither party objects to the report, the district court is not obligated to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149–52 (1985).

Accordingly, it is **ORDERED** that the magistrate judge’s report and recommendation [Dkt. # 30] is **ADOPTED**.

It is further **ORDERED** that Plaintiff’s motion for summary judgment [Dkt. # 24] is

**DENIED.**

It is further **ORDERED** that Defendant's motion for summary judgment [Dkt. # 28] is **DENIED.**

It is further **ORDERED** that this matter is **REMANDED** for further proceedings consistent with the Magistrate Judge's report and recommendation.

s/Thomas L. Ludington  
THOMAS L. LUDINGTON  
United States District Judge

Dated: March 17, 2010

**PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on March 17, 2010.

s/Tracy A. Jacobs  
TRACY A. JACOBS